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09/117,219	01/13/1999	CHARLES S. PALM	80802	3437

27975 7590 01/29/2004

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EXAMINER
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SAJOUS, WESNER

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 01/29/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/117,219

Applicant(s)

PALM ET AL.

Examiner

Wesner Sajous

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 11-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-10 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☒ Claim(s) 11-22 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### Remark

This communication is responsive to the response filed on December 08, 2003.

Claims 1-22 are presented for examination.

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-10, drawn to a graphical user interface window, classified in class 345, subclass 661.
  - II. Claims 11-12, drawn to network/server and browser application used in image file retrieval, classified in class 707, subclass 103X or class 709, subclasses 217-219.
  - III. Claims 13-15, 17, 19-20 and 22, drawn to texture memory or file allocation, classified in class 345, subclasses 543 and/or 555 and class/subclass 707/205.
  - IV. Claims 16, 18, and 21, drawn to storing of animation information, classified in class 345, subclass 473.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I through IV are related as apparatus and product made. The inventions in this relationship are distinct if either or both of the following can be shown:
  - (1) that the apparatus as claimed is not an obvious apparatus for making the product and the apparatus can be used for making a different product or
  - (2) that the product as

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claimed can be made by another and materially different apparatus (MPEP § 806.05(g)). In this case controlling the representation of a stereo image via a GUI, and file image retrieval via a server/network connection; allocating bitmap data in a memory, and animation file information are each different apparatuses and can be used for making different products, because different criteria and technological background would be required in making these products. Further, because in each of the different inventions searches in different technology centers are required, thus a burden will be placed on the office to examine these inventions in a single application.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Mr. David Stewart on January 15 a provisional election was made with traverse to prosecute the invention of group I, claims 1-10. Affirmation of this election must be made by applicant in replying to this Office action. Claims 11-22 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-2, 4, 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Teigh et al. (US Pat. 5555366).

Considering claim 1, Teigh, at figs. 2 and 12, discloses a computer system comprises a processor (12), a memory (16) and a stereo viewer (i.e., a displayed entity) loaded in a memory (87, see fig. 12 and col. 8, lines 4-9 and col. 9, lines 24-36), wherein the stereo viewer includes a graphical user interface (see fig. 3) including a viewing window (39 or 41) in which wireframes (50 or 79, fig. 9A or 10A) can be viewed with and without texture (via using the 3D tools, see col. 10, lines 11-32) and a plurality of controls (28-38, particularly, items 35-37) for manipulating a wireframe, a wireframe's texturing or a view of a wireframe (inherent in the 3D presentation of graphic display of molecules or entities). See figs. 28 (A-E) and col. 10, lines 15-65 and col. 16, line 29 through col. 27, line 51.

Re claim 2, the claimed "controlling the position of the neural plane of a stereo image" is equivalently met by the depiction at fig. 9A and col. 11, lines 15-53.

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Re claim 4, the claimed "one or more controls for animating a wireframe" is met by fig. 3, items 35-37.

Re claim 7, the claimed "controls for positioning the wireframe" is met by fig. 3, items 28-38.

Re claim 8, the claimed "control for restoring a wireframe to a default position" is inherently met by the disclosure at col. 11, lines 33-60, for the dragging of the molecules or entity can be implemented to restore the molecule to a default position, as desired by the user doing the dragging.

Re claim 9, the claimed "selecting between stereo view and non- stereo view of a wire frame" is inherent in the disclosure of Teigh's fig. 5, because the molecule or entity can be viewed or manipulated in both 2D and 3D (see col. 10, lines 5-15), wherein the 2D view of the molecule represents the non-stereo view and the 3D the stereo view.

As per claim 10, the claimed "magnifying and reducing the size of the wireframe" is inherently met by col. 10, lines 49-65.

8. Claims 1-2, 4, 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Russell et al. (US Pat. 6313836).

Considering claim 1, russell, at figs. 3-7, discloses a computer system (20) comprises a processor (21), a memory (25b) and a stereo viewer (i.e., 3D file 53a) loaded in a memory (26), wherein the stereo viewer includes a graphical user interface (see fig. 4A) including a viewing window (60) in which wireframes (intrinsic to 3D model 40, for it is typical in the art to have represented 3D model data as wireframes or mesh

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or dots) can be viewed with and without texture and a plurality of controls (50-57) for manipulating a wireframe, a wireframe's texturing or a view of a wireframe (inherent in the 3D presentation of graphic display). See col. 4, line 10 through col. 8, line 22.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Teigh in view of Palm.

Regarding claim 3, Teigh discloses most claimed features of the invention as applied to claim 1 but he fails to teach a control to adjust camera offset between points acting as cameras for providing left and right image views of a wireframe.

Palm in a similar art teaches the functional equivalence for adjusting camera offset between points acting as cameras for providing left and right image views of a wireframe. See col 29, lines 25-53.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Teigh to include the feature of Palm, in order to generate a three-dimensional perspective view of the wireframe. See Palm's col. 29, lines 25-30.

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***Allowable Subject Matter***

11. Claims 5-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, because the prior art of record fail to teach that the controls include one or more controls for selecting display of a wireframe either unrendered or rendered with one of a bit mapped texture from an image used to create the wireframe or a selected surface texture.

**Conclusion**

Any response to this action should be mailed to:

Box

Commissioner of Patents and Trademarks  
Washington, DC 20231

or faxed to:

(703) 308-9051, (for formal communications; please mark "EXPEDITED  
PROCEDURE")

Or:

(703) 308-5359 for informal or draft communications, please label "PROPOSED"

or DRAFT")

Hand-held delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA , 6th floor (receptionist).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesner Sajous whose telephone number is (703) 308-5857. The examiner can also be reached on Mondays thru Thursdays and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Matthew Bella, can be reached at (703) 308-6829. The fax phone number for this group is (703) 308-6606.

Wesner Sajous -WS-

January 16, 2004

